

City of Houston, Texas, Ordinance No. 2004-54

AN ORDINANCE ADOPTING A THREE-YEAR ANNEXATION PLAN IN ACCORDANCE WITH SECTION 43.052 OF THE TEXAS LOCAL GOVERNMENT CODE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Section 43.052 of the Texas Local Government Code requires municipalities to adopt an annexation plan identifying areas proposed for general-purpose annexation beginning on the third anniversary of the date the plan is adopted; and

WHEREAS, Section 43.0751 of the Texas Local Government Code provides that the governing body of a municipality and the governing body of a water control and improvement district or a municipal utility district may enter into a written strategic partnership agreement that will provide benefits to each party; and

WHEREAS, Section 43.052 of the Texas Local Government Code enumerates certain categories of areas which are excepted from the requirement to be included in such an annexation plan, such as areas to be annexed at the request of the property owners and areas included in a strategic partnership agreement; and

WHEREAS, the City of Houston has no present intention to annex any areas within the ensuing three-year time period, other than the possibility of annexing areas which have been excepted by the Legislature from the requirement to be included in an annexation plan; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. The City Council hereby adopts an annexation plan, attached hereto as "Exhibit A," identifying no areas proposed for annexation during the calendar years 2004, 2005, and 2006. As described in the attached Plan, however, City Council hereby declares the City's intention to consider requests for annexation from affected property owners and to pursue the possibility of entering into strategic partnership agreements with utility districts located in the City's extraterritorial jurisdiction, as authorized by Section 43.0751 of the Texas Local Government Code.

Section 3. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof have been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be

affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.


Section 5. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 21st **day of** January, 2004.

APPROVED this ____ **day of** _____, 2004.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JAN 27 2004.


City Secretary

(Prepared by Legal Dept. )
Senior Assistant City Attorney

(Requested by Robert Litke, Director, Department of Planning and Development)
(L.D. File No. 0610400007001)

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CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: JAN 27 2004

AYE	NO	2004-54
✓		MAYOR WHITE
....	COUNCIL MEMBERS
✓		LAWRENCE
✓		GALLOWAY
✓		GOLDBERG
✓		EDWARDS
✓		WISEMAN
✓		KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		ELLIS
✓		QUAN
✓		SEKULA-GIBBS
✓		GREEN
✓		BERRY
CAPTION	ADOPTED	

City of Houston Annexation Plan

2004 – 2006

Introduction

In the State of Texas, the Local Government Code defines a city's rights and responsibilities regarding properties within its boundaries and the area immediately surrounding its boundaries (called extraterritorial jurisdiction). This Code is where cities are given authority to change their boundaries either by annexation or disannexation.

Houston's extraterritorial jurisdiction (ETJ) is essentially a five-mile band around the City's general purpose boundaries, with the exception of when that band would intersect another municipality or its ETJ. Within its ETJ, Houston has limited authority over property within this area. Two notable examples are the imposition of Chapter 42 of the Code of Ordinances, a chapter relating to the development and subdivision of land, and the City's authority to consent to the creation and expansion of other governmental entities such as municipal utility districts (often referred to as MUDs).

Annexation is the other key authority a city has within its ETJ. Recent sessions of the Legislature have modified and expanded the manner in which Houston may annex property. The different types include:

General Purpose annexation: This type of annexation is the most commonly known. All of Houston's historically significant annexations have occurred in this manner. For general purpose annexation, a city must meet a strenuous public notification requirement. Upon annexation, all affected property becomes part of the general purpose boundaries and is effectively subject to all regulations, taxes and services provided by the city. Residents within this property are residents of the City of Houston and have all the rights and responsibilities afforded thereby. Property considered for general purpose annexation must be included in a City's annexation plan at least three years prior to the attempt to annex. One instance where the three-year requirement is waived is if the property owner requests annexation.

Limited Purpose annexation: This type of annexation, authorized in the 1999 Legislature, may be conducted as part of a Strategic Partnership Agreement (SPA) with a utility district. It carries less stringent public notice requirements. The annexation typically includes commercial property only. Property (ad valorem) taxes are not levied on properties included in this type of annexation, but the city may levy a sales tax on retail sales conducted in the area. Properties annexed as part of a SPA do not carry the three-year requirement.

The SPA identifies what regulations and services, if any, are imposed in the area annexed. It also identifies the amount of sales tax to be levied and how much, if any, will be shared with the district. Finally, the SPA identifies the length of the agreement and the City's options for when and if the City might make the property subject to general purpose annexation.

The Annexation Plan

For the years 2004 – 2006, the City of Houston does not propose to annex any territory for general purposes that is required to be identified in an annexation plan, as required by provisions of the Local Government Code. The City will, however, consider the annexation of territory if requested by property owners. Furthermore, the City will continue to pursue SPAs with utility districts within the City's ETJ.